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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,308	01/29/2001	Takahisa Kawade	35.C15085	5828
5514	7590 01/12/2004	*	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA			SURYAWANSHI, SURESH	
	NY 10112		ART UNIT	PAPER NUMBER
	,	••	2115	5
			DATE MAILED: 01/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

e f		Application No.	Applicant(s)			
Office Action Summary		09/770,308	KAWADE ET AL.			
		Examiner	Art Unit			
		Suresh K Suryawanshi	2185			
Period fo	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
THE - Exte after - If the - If NO - Failt - Any	ORTENED STATUTORY PERIOD FOR REMAILING DATE OF THIS COMMUNICATION misions of time may be available under the provisions of 37 CF SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) days, period for reply is specified above, the maximum statutory pure to reply within the set or extended period for reply will, by streply received by the Office later than three months after the red patent term adjustment. See 37 CFR 1.704(b).	DN. FR 1.136(a). In no event, however, may a reply b n. a reply within the statutory minimum of thirty (30) eriod will apply and will expire SIX (6) MONTHS ( statute, cause the application to become ABANDO	e timely filed  days will be considered timely. from the mailing date of this communication.  DNED (35 U.S.C. § 133).			
1)⊠	Responsive to communication(s) filed on 2	<u> 29 January 2001</u> .				
2a)□	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposit	ion of Claims					
4)🖂	4)⊠ Claim(s) <u>1-20</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)□	Claim(s) is/are allowed.					
· · · · · · · · · · · · · · · · · · ·	Claim(s) <u>1-20</u> is/are rejected.					
7)	Claim(s) is/are objected to.		•			
8)□	Claim(s) are subject to restriction a	nd/or election requirement.				
Application Papers						
9) The specification is objected to by the Examiner.						
10)🖾	10)⊠ The drawing(s) filed on <u>29 January 2001</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. §§ 119 and 120						
* (3)	Acknowledgment is made of a claim for fo All b) Some * c) None of:  1. Certified copies of the priority documes. Certified copies of the priority documes. Copies of the certified copies of the application from the International Buse the attached detailed Office action for a Acknowledgment is made of a claim for domince a specific reference was included in the Topical Copies. The translation of the foreign language. Acknowledgment is made of a claim for domesterence was included in the first sentence.	nents have been received. nents have been received in Application priority documents have been received in Application (PCT Rule 17.2(a)). In list of the certified copies not receives the sentence of the specification of the provisional application has been nestic priority under 35 U.S.C. § 1	cation No eived in this National Stage eived. 19(e) (to a provisional application) or in an Application Data Sheet. received. 120 and/or 121 since a specific			
Attachmen						
2) Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948 mation Disclosure Statement(s) (PTO-1449) Paper No	3) 5) Notice of Inform	nary (PTO-413) Paper No(s) nal Patent Application (PTO-152)			

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## **DETAILED ACTION**

1. Claims 1-20 are presented for examination.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iizuka et al (US Patent 5,933,595) in view of Suzuki (US Patent 5,848,296).
- 4. As per claims 1 and 11, Iizuka et al disclose

a central processing unit [fig. 1; CPU];

a writeable memory [fig. 1; RAM];

means for external communication [fig. 1; RS-232C Interface; col. 9, lines 58-62];

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operation mode selection means for selecting an operation mode [fig. 1; change-over switch 6; col. 6, lines 26-30];

control means for stopping the operation of said central processing unit [inherently the CPU will be stopped as there is a wait for downloading the IPL and thereafter resetting the CPU to initiate the downloaded IPL; col. 9, lines 39-41] and writing to said memory an IPL program transferred from the outside through said communication means when an IPL operation mode is selected by said operation selection means [col. 8, lines 61 – col. 9, line 3], and for thereafter canceling the stoppage of the operation of said central processing unit [col. 9, lines 39-41; the CPU is reset].

Iizuka et al do not disclose expressly about downloading a system program. But it would be obvious to do as it is the necessary part for a computer to function properly. However, Suzuka clearly discloses about reading and loading various programs based on the IPL-placed in the ram of the host computer [col. 3, line 62 – col. 4, line 3]. Therefore, it would have been obvious to one of ordinary skill in the art to combine the cited references as both are directed to load an IPL program from outside. Moreover, Suzuka has recognized the limitation of a ROM not incorporated in a computer or having a built-in ROM, which does not include a bootstrap program [col. 1, lines 53-63].

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- 5. As per claims 2 and 12, Iizuka et al teach that writeable memory is mapped to an area including an address which said central processing unit first reads immediately after startup in the IPL operation mode, and said writing of the IPL program is controlled so as to start from the address read first [col. 7, lines 25-30].
- 6. As per claims 3 and 13, Iizuka et al disclose the invention substantially. Iizuka et al do not disclose expressly about a situation where transfer of the IPL program should be terminated is detected, and said writing to said memory is terminated when a situation where the transfer should be terminated is detected. However, Suzuka clearly discloses that the host computer is notified when the loading of the IPL has been completed [col. 3, lines 42-45]. Therefore, it would have been obvious to one of ordinary skill in the art to combine the cited references as both are directed to load an IPL program from outside.
- As per claims 4 and 14, Iizuka et al disclose the invention substantially. Iizuka et al do not disclose expressly about a situation where the transfer of the IPL program should be terminated is detected by ascertaining that a transferred data amount set in advance has been reached. However, Suzuka clearly discloses that the host computer is notified when the loading of the IPL has been completed [col. 3, lines 42-45]. And it is well known in the art that the completion of downloading is related to the transferred data amount set in downloading. Therefore, it would have been obvious to one of ordinary skill in the art to combine the cited references as both are directed to load an IPL program from outside and well know technique of indication of completion of a download.

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- 8. As per claims 5 and 15, Iizuka et al disclose the invention substantially. Iizuka et al do not disclose expressly about a situation where the transfer should be terminated is detected by detecting from transferred data a code designating termination of transfer. However, Suzuka clearly discloses that the host computer is notified when the loading of the IPL has been completed [col. 3, lines 42-45]. And it is well known in the art that the completion of downloading is related to a code designating termination of transfer. Therefore, it would have been obvious to one of ordinary skill in the art to combine the cited references as both are directed to load an IPL program from outside and well know technique of indication of a code designating termination of transfer.
- 9. As per claims 6 and 16, Iizuka et al teach that the memory used as an IPL program writing destination is changed according to the operation mode by changing a connection of a bus according to the operation mode [fig. 1; change-over switch 6; col. 7, lines 25-30].
- 10. As per claims 7 and 17, Iizuka et al teach that control is performed such that a check program for checking the operation of a certain device is written to said memory together with the IPL program, and the check program is executed when said central processing unit starts operating [inherent to the system, fig. 1; any device connected to RS-232C interface].

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11. As per claims 8 and 18, Iizuka et al teach that the check program is a program for

checking the operation of a peripheral device connected to the processor system [inherent to the

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system; fig. 1; any device connected to RS-232C interface].

12. As per claims 9 and 19, Iizuka et al teach that the check program is a program for

checking the state of a memory connected to the processor system [inherent to the system; fig. 1].

13. As per claims 10 and 20, Iizuka et al teach that the check program is a program for

checking the state of connection of a peripheral device connected to the processor system

[inherent to the system; fig. 1; any device connected to RS-232C interface].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 703-305-

3990. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the

organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

sks

January 5, 2004

THINANC I EE

SUPERVISORY PATENT EXAMINER

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